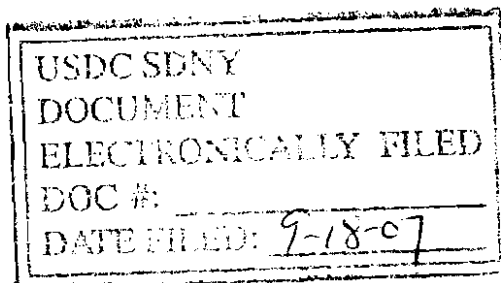


Keenan, J

Norman C. Kleinberg
Theodore V. H. Mayer
William J. Beausoleil
HUGHES HUBBARD & REED LLP
One Battery Park Plaza
New York, New York 10004-1482
(212) 837-6000

Paul F. Strain
M. King Hill, III
David J. Heubeck
VENABLE LLP
Two Hopkins Plaza, Suite 1800
Baltimore, Maryland 21201
(410) 244-7400



Attorneys for Defendant Merck & Co., Inc.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
IN RE:

Fosamax Products Liability Litigation

: 1:06-md-1789 (JFK)

-----X
This Document Relates to:

David E. Tundel

v. Merck & Co., Inc.

Case No: 1:07-cv-6396-JFK
-----X

**STIPULATION AND ORDER EXTENDING TIME TO RESPOND TO THE
MOTION OF MERCK & CO., INC. TO DISMISS
PURSUANT TO FED. R. CIV. P. 41(a)(1)**

IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff David
E. Tundel and Defendant Merck & Co., Inc., through their respective undersigned
counsel that Plaintiff's time to respond to Defendant's Motion to Dismiss Pursuant to
Fed. R. Civ. P. 41(a)(1) will be extended up to and including September 27, 2007.

Dated: September 14th, 2007

LEVIN PAPANTONIO THOMAS
MITCHELL ECHSNER & PROCTOR PA

HUGHES HUBBARD & REED LLP

By 

Timothy M. O'Brien
316 South Baylen Street, Suite 600
Pensacola, Florida 32591
(850) 435-7084

By 

William J. Beausoleil
One Battery Park Plaza
New York, New York 10004
(212) 837-6000

Attorneys for Plaintiff

Attorneys for Defendant Merck & Co, Inc.

SO ORDERED: 

Hon. John F. Keenan

9/18/07